

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

R.A.D. SERVICES, a Nebraska limited liability company Assignee; and BROKRAM, INC.,

Plaintiffs,

vs.

ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY,

Defendant.

4:18CV3103

THIRD AMENDED FINAL PROGRESSION ORDER

This matter is before the Court on the parties' Stipulation to Extend Progression Order Deadlines. ([Filing No. 64](#).) The stipulation is granted. Accordingly,

- 1) The trial and pretrial conference will not be set at this time. A telephonic status conference to discuss **case progression, the parties' interest in settlement, and the trial and pretrial conference settings** will be held with the undersigned magistrate judge on **August 17, 2020 at 10:00 a.m.** Case conference instructions are found at [Filing No. 41](#) herein.
- 2) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **June 1, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **June 30, 2020**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	December 27, 2019
For the defendant(s):	January 31, 2020

- 4) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	February 3, 2020
For the defendant(s):	February 28, 2020
Rebuttal:	March 13, 2020

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 5) The deposition deadline is **August 15, 2020**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **September 15, 2020**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **September 15, 2020**.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 20th day of April, 2020.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge